

## **GUIDANCE ON APPLYING FOR A KNIFE DEALERS LICENCE**

If you want to carry on the business as a dealer in certain kinds of knives (generally non-domestic) you will need a licence.

A licence is required for dealing in the following:-

- Knives (other than those designed for domestic use)
- Non-domestic knife blades
- Swords
- Any other article -
  - I. Which has a blade, or
  - II. Which is sharply pointed, and which is adapted for use for causing injury to the person

A “dealer” is a person carrying on a business which consists wholly or partly of:-

- Selling
- Hiring
- Offering for sale or hire
- Exposing for sale or hire
- Lending or
- Giving

### **What exemptions apply?**

The Knife Dealers’ Licences (Exceptions) Order 2008 provides:-

(a) That the following knives are exempt from the licensing requirements, but only where the blade does not exceed 8.91 centimetres (3.5 inches) in length-

- (i) Folding pocket knives
- (ii) Kirpans and
- (iii) Skean dubhs

(b) Where a person is teaching or training another person in the sport of fencing, the hiring, lending or giving of fencing weapons does not constitute a business requiring a licence, but only where the person teaching is a professional who is qualified to teach or train in the sport.

### **Who should apply?**

The individual, company or organisation whose business it is.

If a company or organisation applies for a licence they must provide details of an individual who will be responsible for the day to day management of the premises.

An individual applying for a licence who does not intend to be responsible for the day to day management of the premises can name another individual as their day to day manager.

## How do I make an application?

Your application should be made on the form that is available to download from our website. The application form lists the documents that you should submit with your application. You will also need to send to us the following with the form:-

- The application fee. This can be paid in cash, by cheque made payable to “Falkirk Council”, debit/credit card or postal order.
- Location plan clearly indicating the full extent of the application site.
- Detailed plan of the premises showing where within the premises the articles are displayed and stored.
- Copy of partnership agreement if required.
- Photographic Identification (new applications by individuals only).
- Proof of address (new applications by individuals only).
- Criminal Record Check if required.
- When you submit the application the Site Notice will require to be displayed at or near the premises for a period of 21 days. Once the notice has been displayed for this period you are required to complete and submit the Certificate of Compliance. **Please check with the licensing office to ensure we have your application before you display your notice.**
- Public Liability Insurance to the value of £5 million.

## Once I submit my application, can I operate as a Knife Dealer?

If the application is for a new licence you cannot operate as a knife dealer **until your application is granted**. If the application is for renewal of an existing licence you can continue to operate as per the last licence granted until we make a decision on your application.

## How much will it cost?

The application fees for a Knife Dealer Licence:-

- New/Renewal application £216
- Variation £37.80

Generally you won't get your money back if we have started to process your application and change your mind or if your application is refused.

## **What happens if I have convictions or fixed penalties?**

You need to tell us on the application form of **all** current convictions, conditional offers and/or fixed penalties recorded against any person(s) named on the application. If the application is for the renewal of an existing licence you are only required to tell us of convictions or fixed penalties since your licence was last granted. If you don't submit all information we will send your application form and fee back to you. If you have a current conviction the application will automatically be determined by the Civic Licensing Committee.

## **What if I have lived outside the UK for six months or more within the last 10 years?**

If any persons named on the application has lived outside the UK for a period of six months or more within the last 10 years a Criminal Record Certificate from you're the country you resided in. The Criminal Record Certificate must have been obtained within the last 6 months of prior to submitting the application. This is so we can make sure we have the same information about your criminal record as we have for people who have lived in the UK for 10 years. You should contact your Embassy or Consulate to find out how to do this. If the information is not in English then you will need to arrange for it to be translated. You will have to meet the cost of getting this information, along with the costs of any translation.

## **Will I require any other permission or consent from Falkirk Council?**

It might be the case that Planning Permission or a Building Warrant may be required. Development Management and Building Standards can be contacted at Development Services, Falkirk Council, Abbotsford House, Bainsford, Falkirk, FK2 7YZ (telephone 01324 504950) or e-mail [dc@falkirk.gov.uk](mailto:dc@falkirk.gov.uk) (planning permission), [building.standards@falkirk.gov.uk](mailto:building.standards@falkirk.gov.uk) (building warrant).

## **How will my application be processed?**

For new and renewal applications a 28 day consultation period begins on receipt of your application. This is when you display the Notice for a period of 21 days on or near the premises. You should check with the Licensing Office that we have received your application before you display the notice. Thereafter, you complete the Certificate of Compliance and submit it to the Licensing Office. Falkirk Council will also put a notice in the local paper advising of application. Any person can object to your application at this stage.

During the consultation period your application will be sent to the following: Police Scotland, Scottish Fire and Rescue Service, Environmental Health, Building Standards, Development Control and the Elected Members are notified of your application.

## **How long will it take to process my application?**

We have nine months to make a final decision on your application. No decision can be made on any application until the consultation period of 28 days has passed. In practice most applications take approximately four to six weeks to process unless it has to be determined at a meeting of the Civic Licensing Committee.

The application will be determined at a meeting of the Civic Licensing Committee if:-

- any person named on the application has unspent conviction(s);
- objections are received; or
- the premises don't meet the required standards.

The Council can make an application to the Sheriff to extend the nine month determination period if required.

## **What happens if my application is granted?**

You will receive a letter and licence advising of this. Knife Dealer Licences are normally granted for 3 years. If the licence is granted by officers the Standard Conditions will apply. If the licence is granted by the Civic Licensing Committee it will be granted with the Standard Conditions along with any additional conditions that the Committee may apply.

## **What happens if my application is refused?**

If your application is refused, you are not allowed to make another application for this type of licence for 1 year from the date of the refusal unless you can show that there has been a material change in circumstances. You are entitled to ask us within 28 days of the application being refused by the Committee to give reasons for the refusal. Within 28 days of the Committee decision you may be entitled to a right of appeal to the Falkirk Sheriff on certain grounds.

## **What happens if I want to change my existing licence?**

If you want to change the day to day manager you are required to submit an application to vary your licence. If the person who is the licenceholder changes, a new licence will have to be applied for. The variation does not come into force until we make a decision on the variation application. You should also tell us if anyone changes their address.